

**Remarks/Arguments**

Claims 1-3 and 5-12 are pending.

**Rejection of claims 1, 8 and 10 under 35 U.S.C. 112.**

Applicants request that for the reasons discussed below the rejection of claims 1, 8 and 10 under 35 U.S.C. 112, second paragraph be withdrawn.

It is noted that this rejection is being made for the first time in the final official action. The term "type" was first introduced in the claims in the amendment of February 5, 2003, and the term "control function type" was first introduced in the amendment of July 22, 2003. Accordingly, it is respectfully requested that this action be denominated non-final, or that this rejection be withdrawn.

Additionally, the claims make clear that a control function type is associated with each control function, and that a control device recognizes and aggregates the functions, wherein the aggregation is done based on recognition of the control function type. The amendment further indicates that the control function type is one among a plurality of control function types.

For the foregoing reasons, it is respectfully submitted that claims 1, 8 and 10 satisfy 35 U.S.C. 112, second paragraph, and that the rejection has been overcome.

**Rejection of claims 1-3 and 5 – 12 under 35 U.S.C. 103 as being unpatentable over Humpleman.**

Applicants submit that for the reasons discussed below amended claims 1, 8 and 10, and their respective present dependent claims 2-3, 5-7, 9 and 11-12, are patentably distinguishable over the teachings of Humpleman.

It is respectfully submitted that Humpleman neither teaches nor suggests the following limitations of claim 1, as amended:

"wherein said descriptors each comprise . . . a corresponding control function type"; and

"said control device programmed to . . . recognize and aggregate appliance control functions of the same type".

The examiner acknowledges that Humpleman fails to disclose "a control device adapted to use descriptors of a plurality of appliances to recognize and aggregate appliance control functions of the same type of a plurality of appliances." However, the examiner alleges that it would be obvious to include aggregate appliance control functions of the same type for a plurality of appliances in the device of Humpleman because one of ordinary skill in the art recognizes "... said control device adapted to use descriptors of a plurality of appliances to recognize and aggregate appliance control functions of the same type for Dads TV and Jims TV is a matter of choice as choosing display of controlling functions of DVD and TV in a page." Applicants strongly disagree that it is merely a matter of choice, and submit that Humpleman teaches an entirely different display and method of generating the display than that of the present invention.

In summary, in Humpleman, each appliance provides to DTV 102 graphics user interface information for that appliance, which the control device displays in a frame in accordance with the information received from the appliance. DTV 102 of Humpleman **does not recognize control function type information**, but merely displays information corresponding to control devices as instructed by the appliance. DTV 102 cannot aggregate or bring together control functions of the same type, apart from other information in the frame corresponding to each appliance, as DTV 102 is unable to recognize control functions of the same type. One of ordinary skill would have no motivation to modify Humpleman to aggregate or bring together control functions of the same type, as there is no suggestion to pull individual control functions out of the separate frames for each appliance.

The office action points, on page 4, lines 17 – 19, to Humpleman, Fig. 11, col. 17, lines 46-62, DVD and TV; and col. 2, lines 60 – 65, HTML coded graphics user interface include a page containing device buttons, as teaching descriptors comprising a corresponding control function type.

However, a detailed reading of these passages reveals that Humpleman does not teach descriptors comprising a corresponding control function type. More particularly, the text at Fig. 11, col. 17 lines 46 – 62, relates to the selection of a SECOND home device, a first home device having already been selected. Referring to col. 6, line 57, to col. 7, line 6, the construction of the frames for each device shown in Fig. 11 is shown. Each home device sends its custom GUI to the browser based DTV 102. The HTML files enable the browser-based DTV 102 to graphically display control and command information to a user for a particular home device. The custom GUI supplied by a device of Humpleman does not constitute a display of corresponding control function type. The information received by DTV 102 is in the nature of instructions for display of each device's custom GUI. Each displayed button is entirely independent from any other button, and there is no "type" information furnished by the home devices to the DTV 102.

This point is further illustrated by the explanation, at col. 11, lines 45 to 65. The list of devices is determined using DHCP server 306. The DHCP server receives the broadcast from a newly connected device and generates an IP address and logical name, which are sent to the new device 302. The IP address and logical name are entered into the device list file. This list is then used by an "auto-tree builder" application, as described at col. 13, lines 2 – 3, which generates a device link page 412 which is displayed to the user (Fig. 5B, col. 13, lines 13 – 24). If the user selects a home device button contained in the device link page, the respective device's home page is subsequently displayed to the user. Control function type information is not recognized or involved in the above process. Thus, Humpleman does not teach descriptors that comprise a corresponding control function type.

Furthermore, DTV 102 does not recognize appliance control functions of the same type. In Humpleman, appliance control function buttons are merely displayed as portions of the custom GUI of the home device. There is no recognition of these buttons as anything but part of the instructions for display of the home device's home page.

DTV 102 of Humpleman also does not aggregate recognized appliance control functions. The term "aggregate" is used in claim 1 in the sense of "bring together." The present invention teaches bringing together **control functions of the same type for a plurality of appliances, not bringing together all of the functions from a given appliance.** DTV 102 of Humpleman can only display entire home pages, and is not able to aggregate individual function buttons from different devices.

Humpleman displays function buttons in entire device home pages. The Examiner's suggestion would involve somehow displaying aggregated individual function buttons from a plurality of appliances instead of home pages of the appliances. A modification of DTV 102 of Humpleman to permit the aggregation of individual function buttons would be a **very substantial change** in the system of Humpleman, with no suggestion in the art to make this change.

Moreover, Humpleman specifically teaches away from displaying simultaneously controls of two devices of the same type, at col. 16, lines 22-27. Once a frame from a display, such as Dads TV, is displayed, the device of Humpleman may deactivate buttons for other displays, such as Jims TV. Thus, Humpleman preferably renders it impossible for the user to select and display two devices of the same type, such as the example of Jims TV and Dads TV proposed by the Examiner. With this teaching away of the display of two displays, which would have buttons for function controls of the same type, such as volume and brightness, there is clearly no suggestion in Humpleman to aggregate function controls of the same type. In view of the above, such a proposed modification of Humpleman does not constitute a simple matter of choice in choosing a display of controlling functions, as alleged by the examiner.

With reference to the Response to Arguments section of the Office Action, it is respectfully submitted that the cited portions of Humpleman do not teach or suggest aggregated function controls of the same type. The Office Action refers to Fig. 11 showing Dads TV and Jims TV having the same type of function controls. In fact, Fig. 11 shows function controls for a display, Dads TV, in frame 706, and for a source, Jims DVD, in frame 708. Fig. 11 does not display function controls for both Dads TV and Jims TV. The discussion in col: 16, lines 43 – 49, refers to which of the device buttons 712 are activated, and not to whether a frame displays function controls for two devices.

Even if frames for both Dads TV and Jims TV were to be displayed, the fact that both would have volume control and channel selection does not mean that Humpleman can *aggregate* controls of the same type on a single markup page. Rather, Humpleman displays such controls *only in separate frames*, and together with the other controls as dictated by the individual device. The term "aggregate", as noted above, is used in the sense of "bring together." The display of control function buttons in separate frames, together with other control function buttons, does not teach or suggest the aggregation of control functions of the same type.

The example of a single page display of volume controls associated with all appliances is only an illustration of subject matter not disclosed or suggested by Humpleman, and within claim 1. The volume controls constitute an example of a control function type. In accordance with claim 1, the control device is programmed to recognize the control functions types, such as volume controls, and aggregate them, such as by display on a single home page. As such, applicants submit that the features upon which applicants rely are recited in the present claims.

For the foregoing reasons, it is respectfully submitted that claim 1 is allowable over the prior art of record.

Claims 2 – 3 and 5 – 7 depend from claim 1, and are allowable for at least the reasons that claim 1, as amended, is allowable.

Claim 8 is a method claim that requires the steps of recognition of appliance control function types and of aggregating control functions based on recognized appliance control functions. As explained above, Humpleman neither teaches nor suggests recognition nor aggregating of appliance control functions by type.

Claim 9 depends from claim 8, and is allowable for at least the reasons that claim 8 is allowable.

Claim 10 is a system claim including the limitation of a control device programmed to use associated descriptors from a plurality of appliances to recognize and aggregate appliance control functions of the same type for a plurality of appliances in order to display aggregated functions on a single markup language page of display of the control device. For the reasons set forth above in connection with claim 1; claim 10 is allowable over the prior art of record.

Claims 11 and 12 depend from claim 10 and are allowable for at least the reasons that claim 10 is allowable.

## CONCLUSION

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. No fee is believed due in regard to the present amendment. However, if a fee is due, please charge the fee to Deposit Account 07-0832. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

By:   
Paul P. Kiel  
Attorney for Applicants  
Registration No. 40,677

THOMSON Licensing Inc.  
PO Box 5312  
Princeton, NJ 08543-5312

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9/15/04

Cherubin Alvarez